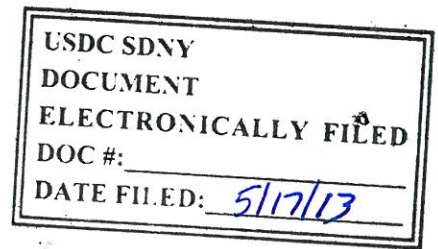


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



- - - - -X

MONIQUE SYKES et al., :

Plaintiffs, :

- against - :

ORDER

MEL HARRIS AND ASSOCIATES, LLC, :
et al., :

Defendants. :

- - - - -X

CHIN, Circuit Judge

By letter dated May 8, 2013, plaintiffs request a pre-motion conference to discuss their proposed motion to quash subpoenas served by the Mel Harris defendants upon creditors of the plaintiffs. By letters dated May 9, 2013, the Mel Harris and Leukadia defendants oppose. The Court treats these letters as, respectively, plaintiffs' motion to quash the subpoenas and defendants' opposition.

Plaintiffs' motion is denied. First, in holding for purposes of class certification that the value or existence of the underlying debts is not at issue, I did not intend to rule on the materiality of the underlying debts as to all issues in the case. The parties dispute how actual damages are to be calculated and to what extent, if at all, the underlying debts will factor into the measure of damages. I have not yet decided these issues.


Second, by quashing the subpoenas, I am not ruling on the materiality of the information being subpoenaed. The point is that the information sought may be relevant or may lead to relevant evidence, and the defendants are entitled to obtain that information.

Any documents produced pursuant to the subpoenas are subject to the confidentiality order in the case.

The temporary stay of the date for compliance with the subpoenas is hereby extended until ten business days after the date of this order.

SO ORDERED.

Dated: New York, New York
May 16, 2013



DENNY CHIN
United States Circuit Judge
Sitting by Designation